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Financing of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Supplementary estimates arising in respect of Security Council resolution 1503 (2003) on the creation of a new position of Prosecutor of the International Criminal Tribunal for Rwanda

Report of the Secretary-General**

Summary

The Security Council, by its resolution 1503 (2003), decided to create a new position of Prosecutor of the International Criminal Tribunal for Rwanda. The present report sets out the financial implications in resource requirements for 2004-2005 for the Prosecutor and related personnel for the International Criminal Tribunal for Rwanda and the International Criminal Tribunal for the Former Yugoslavia.

The estimated additional requirements would amount to $3,971,700 gross ($3,417,900 net), thus increasing the overall requirements for the International Criminal Tribunal for Rwanda in nominal terms from $235,177,100 gross ($212,857,900 net) to $239,148,800 gross ($216,275,800 net).

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The estimated resource requirements for the International Criminal Tribunal for the Former Yugoslavia would decrease in the amount of $2,293,100 gross ($1,915,200 net), thus reducing the overall requirements in nominal terms from $329,616,100 gross ($298,687,000 net) to $327,323,000 gross ($296,771,800 net) for 2004-2005.

I. Introduction

1. The Secretary-General, in a letter dated 28 July 2003 (S/2003/766), informed the President of the Security Council that he had formed the view that the positions of Prosecutor of the International Criminal Tribunal for the Former Yugoslavia and Prosecutor of the International Criminal Tribunal for Rwanda should be split from each other so that they are occupied by two different people. The Secretary-General also stated that as the two Tribunals move towards implementing their completion strategies, it would appear essential, in the interests of efficiency and effectiveness, that each Tribunal have its own Prosecutor who is able to devote his or her energies and attention to the organization, oversight, management and conduct of the outstanding investigations and prosecutions before it. He indicated further that adoption of his proposal would require an amendment to article 15 of the statute of the International Criminal Tribunal for Rwanda.

2. The Security Council, in its resolution 1503 (2003) of 28 August 2003, noted that letter from the Secretary-General and, convinced that the Tribunals can most efficiently and expeditiously meet their respective responsibilities if each has its own Prosecutor, amended article 15 of the statute of the International Criminal Tribunal for Rwanda. The Security Council, by its resolution 1505 (2003) of 4 September 2003, following nomination by the Secretary-General, appointed a Prosecutor of the International Criminal Tribunal for Rwanda with effect from 15 September 2003 for a four-year term.

3. Pursuant to consultations with the International Criminal Tribunal for Rwanda and on the basis of the understanding that the functions of preparing and sustaining appeals activity will be segregated between the two Prosecutors, it is proposed that the Prosecutor of the Rwanda Tribunal be based in Arusha. It is also proposed, after consultations with both Tribunals, that the Rwanda Tribunal have an independent Appeals Unit located in Arusha with a staffing complement corresponding to that of the Tribunal for the Former Yugoslavia, given that the two Tribunals have almost identical Rules of Procedure and Evidence and that the number of appeal cases is on the increase in the Rwanda Tribunal. The Arusha location for the Appeals Unit of the Rwanda Tribunal would enable the prosecution team to draw more effectively on the knowledge of staff who prosecute cases in the Trial Chambers. Efforts will be made to ensure coordination of investigative and judicial activities with a view to avoiding inconsistent practices that could lead to different positions before the Appeals Chamber for both Tribunals, which will continue to be located in The Hague.

4. The projected budget for 2004-2005 for the two Tribunals, as proposed by the Secretary-General in his reports A/58/226 and A/58/269, includes provisions for a total of 22 posts, 17 in the Tribunal for the Former Yugoslavia and 5 in the Rwanda Tribunal, for the Appeals Units.

5. In view of the preference for a separate Appeals Unit in Arusha to handle Rwanda Tribunal appeals, and bearing in mind that by 2005 there will be a similar number of cases on appeal in each Tribunal, it is proposed that the Tribunals be provided with 11 posts each, resulting in a net increase of six posts in the Rwanda Tribunal and a reduction of six posts in the Tribunal for the Former Yugoslavia, thus maintaining the overall 22 posts requested in the proposed budgets for 2004-2005. A summary is provided in table 1.

Table 1
Changes in post requirements for the Appeals Unit resulting from Security Council resolution 1503 (2003)

International Criminal Tribunal for Rwanda					*International Criminal Tribunal for the Former Yugoslavia*				
Approved 2002-2003	*Total proposed in A/58/269*	*New posts proposed as a result of Security Council resolution 1503 (2003)*	*Abolished posts proposed in revised estimates*	*Revised estimate 2004-2005*	*Approved 2002-2003*	*Redeployment proposed in A/58/226*	*Total proposed*	*Abolished posts proposed in revised estimates*	*Revised estimate*
1 P-5	1 P-5	-	-	1 P-5	1 P-5	-	1 P-5	-	1 P-5
1 P-4	1 P-4	2 P-4	-	3 P-4	4 P-4	1 P-4	5 P-4	2 P-4	3 P-4
1 P-3	1 P-3	2 P-3	-	3 P-3	4 P-3	2 P-3	6 P-3	3 P-3	3 P-3
1 P-2	1 P-2	2 P-2	-	3 P-2	2 P-2	2 P-2	4 P-2	1 P-2	3 P-2
1 local level	1 local level	-	1 local level	-	-	-	-	-	-
-	-	1 General Service/ other level	-	1 General Service/ other level	1 General Service/ other level	-	1 General Service/ other level	-	1 General Service/ other level
5	5	7	1	11	12	5	17	6	11

6. In addition, seven new posts, including that of the Prosecutor, are requested for the immediate Office of the Prosecutor.

II. Resource requirements

A. International Criminal Tribunal for Rwanda

7. The appointment of a separate Prosecutor for the International Criminal Tribunal for Rwanda will require additional resources in terms of staffing and related costs. The additional resources relating to the post at the Under-Secretary-General level and six new support staff posts — one P-5, two P-4, one P-3, one General Service/other level and one Field Service — and non-post costs would amount to $2,208,800 gross ($1,882,400 net). The full complement of posts for the Immediate Office of the Prosecutor would thus be 10 — one USG, one D-2, one P-5, two P-4, two P-3, two General Service/other level and one Field Service.

8. For the Appeals Unit, in the Rwanda Tribunal, seven additional posts are being proposed, offset by one local level post; combined with the five existing posts in the Rwanda Tribunal Appeals Unit they would bring the total to 11. The additional resource requirements for the six posts and non-post costs would amount to $1,762,900 gross ($1,535,500 net) for 2004-2005. The additional costs for strengthening the Rwanda Tribunal would amount to $3,971,700 gross ($3,417,900 net) for the biennium 2004-2005. Adding these costs to the amounts in the proposed budget for the Rwanda Tribunal (A/58/269) would result in a total of $239,148,800 gross ($216,275,800 net).

9. The overall changes in resource requirements are reflected in tables 2 and 3.

Table 2
Resource requirements in nominal terms for 2004-2005
(Thousands of United States dollars)

Component	*Proposed resource requirements in A/58/269*	*Changes arising from Security Council resolution 1503 (2003)*	*Revised estimated requirements*
1 Chamber	7 344.5	-	7 344.5
2 Office of the Prosecutor	60 347.0	3 971.7	64 318.7
3 Registry	167 485.6	-	167 485.6
Total requirements (gross)	**235 177.1**	**3 971.7**	**239 148.8**
Income			
Staff assessment	22 319.2	553.8	22 873.0
Total requirements (net)	**212 857.9**	**3 417.9**	**216 275.8**

Table 3
Post requirements for 2004-2005

Category	*Proposed requirements in A/58/269*	*Changes arising from Security Council resolution 1503 (2003)*	*Revised estimated requirements*
Professional and above			
Under-Secretary-General	-	1	1
Assistant Secretary-General	1	-	1
D-2	1	-	1
D-1	4	-	4
P-5	29	1	30
P-4	82	4	86
P-3	154	3	157
P-2/1	112	2	114
Subtotal	**383**	**11**	**394**
General Service			
Principal level	7	-	7
Other level	175	2	177
Security service	87	-	87
Local level	308	(1)	307
Field Service	24	1	25
Subtotal	**601**	**2**	**603**
Total	**984**	**13**	**997**

B. International Criminal Tribunal for the Former Yugoslavia

10. The proposed budget for the International Criminal Tribunal for the Former Yugoslavia for the biennium 2004-2005 (A/58/226) includes four posts for the Rwanda Tribunal Support Unit (one P-4, one P-3, one General Service/principal level and one General Service/other level). In view of the proposal to establish a full-fledged Appeals Unit in Arusha, it is proposed that the four posts charged to the budget of the Tribunal for the Former Yugoslavia be abolished.

11. As indicated in paragraph 4 above, the proposed budget for 2004-2005 provides for a total of 17 posts in the Appeals Unit in The Hague, which was envisaged as being sufficient to handle the appeals for both Tribunals. A reduction of 6 posts is proposed, thus leaving the Unit with 11 posts for appeals related to the Tribunal for the Former Yugoslavia.

12. The above-stated actions will result in a reduction of a further 10 posts from the budget of the Tribunal for the Former Yugoslavia, representing a decrease of $2,293,100 gross ($1,915,200 net). The resource requirements for that Tribunal would thus be reduced from $329,616,100 gross ($298,687,000 net) to $327,323,000 gross ($296,771,800 net) for the biennium 2004-2005.

13. The overall changes in resource requirements are reflected in tables 4 and 5.

Table 4
Resource requirements in nominal terms for 2004-2005
(Thousands of United States dollars)

Component	*Proposed resource requirements in A/58/226*	*Changes arising from Security Council resolution 1503 (2003)*	*Revised estimated requirements*
1 Chamber	9 368.7	-	9 368.7
2 Office of the Prosecutor	99 935.9	(2 293.1)	97 642.8
3 Registry	220 311.5	-	220 311.5
Total requirements (gross)	**329 616.1**	**(2 293.1)**	**327 323.0**
Income			
Staff assessment	30 745.1	(377.9)	30 367.2
Other income	184.0	-	184.0
Total requirements (net)	**298 687.0**	**(1 915.2)**	**296 771.8**

Table 5
Post requirements for 2004-2005

Category	*Proposed requirements in A/58/226*	*Changes arising from Security Council resolution 1503 (2003)*	*Revised estimated requirements*
Professional and above			
Under-Secretary-General	1	-	1
Assistant Secretary-General	1	-	1
D-2	1	-	1
D-1	4	-	4
P-5	35	-	35
P-4	121	(3)	118
P-3	186	(4)	182
P-2/1	128	(1)	127
Subtotal	**477**	**(8)**	**469**
General Service			
Principal level	12	(1)	11
Other level	374	(1)	373
Security service	155	-	155
Subtotal	**541**	**(2)**	**539**
Total	**1 018**	**(10)**	**1 008**